

Appl. No.: 10/618,499  
Amdt. dated March 30, 2005  
Reply to Final Office Action of Dec. 14, 2004

## **II. Remarks In Response to the Office Action**

### **A. General Remarks**

Claims 1-44 were pending in the application prior to this Reply. Claims 16, 35-36, 40, and 42-44 have been cancelled without prejudice to their underlying subject matter and to their continued prosecution in a continuing application. Therefore, claims 1-15, 17-34, 37-39, and 41 are pending in the application.

Applicant's previous Reply of Feb. 11, 2005 to the Final Office Action was not entered. An Advisory Action was mailed Mar. 11, 2005. Applicants are timely filing this Reply with a ONE-MONTH extension up to and including April 14, 2005. Entry of this Reply is respectfully requested because this Reply contains amendments believed to place the application in condition for allowance. *See* 37 C.F.R. §§ 1.113(c) & 1.116(b).

### **B. Summary of Interview**

The Examiner granted a telephone interview with Sean McDermott (Reg. No. 49,000) and Coe Miles (Reg. No. 38,559) on January 11, 2005. Applicants greatly appreciate the Examiner's granting of the January 11<sup>th</sup> telephone interview. Applicants have received the Interview Summary (Form PTOL-413) from the Examiner faxed on January 11<sup>th</sup> and do not disagree with the summary of the interview provided by the Examiner.

### **C. Allowable Subject Matter**

In paragraph 10, the Final Office Action states "[c]laim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

In response, claim 41 has been rewritten in independent form to include all of the limitations of the base claim 16 and intervening claim 40. Therefore, claim 41 is believed to be allowable, and Applicants respectfully request its allowance in the next paper from the Office. Pending claims 1-15, 17-34, and 37-39 have been amended to depend directly or indirectly from claim 41 and to provide proper antecedent basis. Consequently, all pending claims 1-15, 17-34,

Appl. No.: 10/618,499  
Amdt. dated March 30, 2005  
Reply to Final Office Action of Dec. 14, 2004

37-39, and 41 in this application are believed allowable, and Applicants respectfully request a Notice of Allowance as the next paper from the Office.

**D. Claim Rejections – 35 USC § 112**

In paragraph 5 of the Final Office Action, claims 35-36 and 42-44 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 35-36 and 42-44 have been cancelled without prejudice to their underlying subject matter and to their continued prosecution in a continuing application. Therefore, the rejection thereto is considered moot.

**E. Claim Rejections - 35 USC § 102**

In paragraph 7 of the Final Office Action, claims 1-5, 15-23, 33-40, 42-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by Diehr et al. (US Pat. 3,870,665).

Claims 1-5, 15, 17-23, 33-34, and 37-39 have been amended to depend directly or indirectly from claim 41, which is believed allowable for the reasons set forth above. Therefore, reconsideration and allowance of these claims is respectfully requested.

Claims 16, 35-36, 40, and 42-44 have been cancelled without prejudice to their underlying subject matter and to their continued prosecution in a continuing application. Therefore, the rejection thereto is considered moot.

**F. Claim Rejections - 35 USC § 103**

In paragraph 9 of the Final Office Action, claims 6-14 and 24-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Diehr as applied to claims 1 and 14 above. Claims 6-14 and 24-32 have been amended to depend directly or indirectly from claim 41, which is believed allowable for the reasons set forth above. Therefore, reconsideration and allowance of these claims is respectfully requested.

Appl. No.: 10/618,499  
Amdt. dated March 30, 2005  
Reply to Final Office Action of Dec. 14, 2004

**G. Fees**

This Reply is being filed before the deadline of April 14, 2005, which represents the end of a ONE-MONTH extension of time to respond to the shortened statutory period of the Final Office Action dated 12/14/2004. Accordingly, Applicants request a ONE-MONTH extension for filing this Reply, and a Request for a ONE-MONTH extension is being filed concurrently herewith.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application. Should any fees be due for any reason, the undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 501922/124-0002US-D.

To facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned representative by phone to further the discussion, reconsideration, and allowance of the claims.

Respectfully submitted,

Date: March 30, 2005

  
Sean McDermott - Reg. No. 49,000

Wong, Cabello, Lutsch, Rutherford  
& Brucculeri, LLP  
20333 SH 249  
Houston, Texas 77070  
(832) 446-2416  
Fax: 832 446-2424

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office Facsimile No. <b>703-872-9306</b> on Date: <u>March 30, 2005</u>	
 _____ Signature	
_____ Rebecca Ginn _____ Typed or Printed Name of Person Signing Certificate	